

ATTORNEY'S DOCKET NUMBER: 0492611-0482

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1st Inventor: Anish Goel

Confirmation No.: 5719

Application No: 10/675,140

Art Unit: 1793

Filed: 30 September 2003

Examiner: McCracken, Daniel

Title: FULLERENIC STRUCTURES AND SUCH STRUCTURES TETHERED TO CARBON MATERIALS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

Applicants hereby submit the following application for patent term adjustment along with the corresponding fee under 37 C.F.R. § 1.18(e). Applicants respectfully request reconsideration of the patent term adjustment indicated in the Notice of Allowance.

Correct Patent Term

Applicants believe the correct patent term adjustment should be 56 days. The bases under 37 C.F.R. § 1.702 for the adjustment constitute an accumulated USPTO 318 day delay due failure to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed, and an additional delay of 194 days due to a failure to issue a patent within three years of the actual filing date. The total USPTO delay is calculated to be 512 days. This USPTO delay is offset by Applicants' total delays of 456 days. The difference between the USPTO delay and Applicants' delays is 56 days (512 days – 456 days = 56 days).

Relevant Dates under 37 C.F.R. §§ 1.703 and 1.704

For relevant dates, Applicants refer to Patent Term Adjustment page of the Patent Application Information Retrieval (PAIR) WEB site. Applicants agree with dates and delays shown for this application with the exception of two delays. The first delay is not shown, and is the delay due to a failure to issue a patent within three years of the actual filing date. This delay of 194 days extends from three years after the filing date, *i.e.*, September 30, 2006, to July 11, 2007, when a Request for Continued Examination was filed.

The second delay with which Applicants take exception is the Applicant delay of 237 days shown extending from December 24, 2003 to November 16, 2004. There is no record of a Notice being mailed to Applicants on December 24, 2003 in the file history. The Notice was mailed November 17, 2004 to which Applicants timely responded. Applicants request that the delay of 237 days be cancelled for lack of basis in the prosecution history.

Applicants submit that the above-identified patent application is not subject to a terminal disclaimer.

If for any reason, this Petition is found not to comply with the requirements of 37 C.F.R. § 1.705, or is otherwise found improper, please contact the undersigned at (617) 248-5143.

Applicants believe no additional fees are due with this Petition, but if Applicants are in error any fees due or overcharges may be applied to deposit account 03-1721 referencing docket number 0492611-0482.

Date: September 10, 2009

/Sam Pasternack/

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